

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
AUGUST 26, 2014
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Jr., Vice Chair
Barbara Renaud, Clerk
Diane Shaw, alternate
Nathan Page, alternate
Pat Swank, alternate
Dan O'Connor, alternate

Also Present: Rayann Dionne, Conservation Coordinator
Mark Olson, Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman, Jay Diener, at the Town Hall Selectman's Meeting Room

CONSIDERATION OF MINUTES:

MOTION: Mr. Tilton moved to approve the July 22, 2014 minutes, as edited

SECOND: Ms. Shaw

VOTE: 6 in Favor 1 Abstain (O'Connor)

APPOINTMENTS: The Rim - Review proposed Phragmites and Japanese Knotweed removal plan.

Present were: Tom Vivano, Applicant (The Rim at 311 Winnacunnet Road) and Mike Morrison (Swamp Inc.)

Mr. Diener stated that, as part of the Special Permit mitigation, there was an agreement to remove the isolated stand of Phragmites and Japanese Knotweed from the site. The Special Permit expires in September and an extension has been requested.

Mr. Morrison reviewed the plans for removal of the invasive species. He stated he does wetland work and Phragmites control in Maine, New Hampshire and for the NH Fish and Wildlife. He is familiar with the basic strategies for what works and what does not work. He provided a copy of the proposal for invasive species control at the RIM facility. He asked if this, as a mitigation, would be overviewed by the Town.

Mr. Diener stated it is not the Town's responsibility to oversee.

Mr. Morrison provided photographs of Phragmites being mowed and stated that one must be careful of the type of vehicle used and, if cutting by hand, there is the possibility of coming in contact with poison ivy. He also stated that the machines are hosed off after being used so the invasive plants do not spread. Further, there are laws enforced when transporting the invasives. Stems can be mowed down into tiny pieces which will decompose quickly. Native plants can come through this decomposition.

He also spoke of the herbicide "Rodeo" which successfully kills plants by biodegrading into basic elements that are not active in the soil works well in wetland habitats. He has used this herbicide with the Knotweed and Phragmites.

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Mr. Tilton stated that this treatment makes sense.

Mr. O'Connor questioned what time of year would this treatment would be most effective. Mr. Morrison responded that fall is good as the Phragmites are mature and getting ready for winter. When it is preparing for winter, the plant sends lot of nutrients to the roots which is ideal for getting the herbicide to the roots. If the plant is green, the herbicide will not work as well.

Mr. Morrison spoke of the new laws involving invasive plants and noted that "Rodeo" is approved by the State to be used in wetlands. Mr. Viviano stated that the proposal before the Commission is the plan they will be using for the mitigation. Mr. Morrison stated his company will be monitoring and touching up in subsequent years. This monitoring will be once a year for two to three years.

Mr. Viviano spoke of an abutter who also has phragmites, but the property owner will not let Mr. Morrison's company on their property to eradicate the invasives.

Mrs. Dionne commented that it would be good to do the work this fall and asked that an update and photos be provided to the Commission. She stated she will be interested in how the eradication turns out. Also, she stated that it is not typical protocol; however, suggested that the extension could be granted for three years. Mr. Diener stated that the Commission has extended permits for maintenance.

Mr. Morrison stated that the permitting process through the State takes time in that there is a paperwork back log.

Mr. Olson asked if abutting vegetation will migrate in. Mr. Morrison stated that Jewel Weed and other herbaceous plants come in quickly, as well as Red Maple.

Mr. Tilton requested that pioneer plants be watched, and Mr Morrison said the pioneer plants will be coming back, getting the wetland back up to health.

Mr. Viviano stated that the main project may not be completed this year, but the initial cutting will be done this November.

The Commission agreed that recommendation be made to the Planning Board for a three year extension, with the initial mowing done this fall, and a brief annual report with photographs be provided to the Commission on November 15th of each year through 2017.

MOTION: Mr. Page moved to recommend the Planning Board approve a three-year extension of the Special Permit with the stipulation that the applicant provide a progress report with photographs on November 15th of each of the three years to November 1, 2017.

SECOND: Ms. Renaud

VOTE: 6 in Favor, 1 Abstain (Diener)

NEW APPLICATIONS:

Mr. Diener stated that the following three applications involve emergency repairs of revetments and acceptance of As-Built Plans of adjacent properties. They require a Town Special Permit and NHDES Standard Dredge and Fill Applications. The emergency repairs were done this summer.

- 1. 976 Ocean Blvd. Richard Desmaris. Emergency repair of revetment – Acceptance of As-Built Plan. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

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There was no one present to speak to this application.

MOTION: Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill Application based on the As-Built Plan dated May 30, 2014, for the property located at 976 Ocean Blvd.

SECOND: Mr. Page

VOTE: 6 in Favor, 1 Abstain (Diener)

MOTION: Ms. Renaud moved to recommend the Planning Board approve the Town Special Permit based on the As-Built Plan dated May 30, 2014, for the property located at 976 Ocean Blvd.

SECOND: Mr. Page

VOTE: 6 in Favor 1 Abstain (Diener)

- 2. 974 Ocean Blvd. Michael Desmarais. Emergency repair o revetment – Acceptance of As-Built Plan. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

There was no one present to speak to this application.

MOTION: Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill Application as based on the As-Built Plan dated May 30, 2014, for the property located at 974 Ocean Blvd.

SECOND: Mr. Page

VOTE: 6 in Favor, 1 Abstain (Diener)

MOTION: Ms. Renaud moved to recommend the Planning Board approve the Town Special Permit based on the As-Built Plan dated May 30, 2014, for the property located at 974 Ocean Blvd.

SECOND: Mr. Page

VOTE: 6 in Favor, 1 Abstain (Diener)

- 3. 970 Ocean Blvd. Norman Krukonis. Emergency repair of revetment – acceptance of As-Built Plan. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

Present was Norman Krukonis, applicant.

Mr. Krukonis stated that the rocks at the sea wall in front of the property going toward the beach were repaired and As Builts have been filed to be accepted.

Mrs. Dionne stated that there are no questions regarding the quality of the work in that the rocks are all in line with one another.

Mr. Diener reported that all work was done on private property.

MOTION: Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill Application based on the As-Built Plan dated May 30, 2014, for the property located at 970 Ocean Blvd.

SECOND: Mr. Tilton

VOTE: 6 in Favor, 1 Abstain (Diener)

MOTION: Ms. Renaud moved to recommend the Planning Board approve the Town Special Permit based on the As-Built Plan dated May 30, 2014, for the property located at 970 Ocean Blvd.

SECOND: Mr. Tilton

VOTE: 6 in Favor 1 Abstain (Diener)

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4. 376 Winnacunnet Road. Susan Scott. Agent – Henry Boyd of Millennium Engineering, 10-Lot subdivision with temporary impacts within the 50’ buffer in order to connect a new sewer line to an existing sewer manhole. This is a Town Special Permit.

Present was Henry Boyd, Millennium Engineering.

Mr. Boyd explained that he is before the Commission, representing Ms. Scott, because of a sewer easement donated to the Town of Hampton in the 1960’s. The Town sewer runs across the rear of the property. There will be no intrusion into the wetland and all grading will be out of the 50’ buffer. There will only be temporary buffer impacts to connect to the sewer line. Further, water drains onto the property from surrounding properties and collects in back. He spoke with Mr. Jacobs, DPW, regarding replacement of this ancient sewer structure. There will be a new manhole to replace the old.

He also stated that Mark West has mapped the area and the plan will have a certification that there are no hydric-soils.

Ms. Swank questioned the bio retention plan and Mr. Boyd stated there will be an infiltration basin.

Ms. Renaud asked about Lot 5, and Mr. Boyd said that Lot 5 contains the pocket wetland.

Mr. Boyd, on question of Ms. Dionne, stated that the perimeter drains will be municipal sized. Further that rooftop water runs in front to the street and a catch basin will get water to the infiltration basin. The back roof drains to stone trenches.

Mr. Page asked if gutters will infiltrate to the lawn, and Mr. Boyd responded that the perimeter drains are the only drains that run to the road. Further, on question about sump pumps, Mr. Boyd stated that houses are above water level.

Mr. Olson questioned the term “artificially large” and Mr. Boyd stated that in some zones one must have 15,000 sf but most are 20,000 in this zone.

Mr. Boyd, on question of Mr. Diener regarding impervious coverage, stated he was unsure, but it is less than 25 and would calculate the numbers and provide them to the Commission. Mr. Boyd stated because he does not know placements, he will add a note to the plan specifying the maximum coverage on the lot is “X”.

Mr. Diener questioned the maintenance requirements. Mr. Boyd stated that in all cases there should be a Homeowners’ Agreement that the homeowners are responsible for taking care of the drainage system as it is on private property. And, the Homeowners Association will also be aware that the Town has a right, but not a duty, for maintenance. Further, Mr. Boyd noted that the Town is still trying to form a model with regard to engineers hired to do annual inspections and file annual reports for drainage features.

PUBLIC COMMENT. There was no public comment.

MOTION: Mr. Page moved to recommend the Planning Board approve the Town Special Permit for the 10-Lot subdivision located at 376 Winnacunnet Road with temporary impacts within the 50’ buffer zone in order to connect a new sewer line to an existing sewer manhole with the following stipulations:

- **The sewer manhole that is located in the buffer may be replaced;**
- **Restore the impacted buffer zone to its natural vegetated state.**

SECOND: Ms. Renaud

VOTE: 6 in Favor, 1 Abstain (Diener)

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5. 1064 Ocean Blvd. Robert Eberle. Agent – Henry Boyd of Millennium Engineering. Tear down existing dwelling and construct a new dwelling within existing foot print. This is a Town Special Permit and NHDES Standard Dredge and Fill application.

Henry Boyd and Robert Eberle were present.

Mr. Boyd explained that when waves come up and lap against the inside of the seawall, the seawall has a lip that comes up and rolls out to turn back wave action. So the highest-observable tide line, from which the wetlands buffer is measured, is actually inside that lip. The house proposed is identical in width but different in overhang than the existing dwelling. The house will be more than 6 feet off the ground, will not go further to the east, and there will be nothing built larger in the 50' foot area, but will extend out 23' larger on the second floor. Further, the deck stairs are being pulled back.

Mr. Boyd stated the house is in a split zone – AO and VE and has to be built per regulations. New plans were provided this evening which includes building notes. He said everything built in AO has to be a foot above the highest adjacent grade. It is the intention that grading will stay "as is" for the new house, as is in the existing house. The garage is to the west and designed with a 35 average grade in mind. The SE corner is 16.8 and the NE corner is 16.6 and those elevations will remain.

Mr. Boyd also stated that the proposal is in compliance with FEMA regulations. Also, 30% of the lot is sealed however, there is an 8% reduction on the front portion as there is a turn out and parking area. A portion of the parking area is in a State highway and will be removed while the rest of the turn out will become permeable pavers.

Lastly, Mr Boyd stated that they have tried to do what they can to be eco-friendly. Further, there will be stone strips for roof run off and the existing beach grass is to remain.

Mr. Olson noted that, having been on the site walk, it is a good project. Mrs. Dionne stated that the first finished floor needs to meet FEMA regulations. On question of Ms. Renaud, Mr. Boyd stated the roof run off is going off roof leaders and water will infiltrate into the ground at the sides of the house. There is good drainage, he noted.

Mr. Boyd also reported that in dealing with Shoreland, a positive net reduction in sealed surface must be shown.

PUBLIC COMMENT: There was no public comment.

MOTION: Mr. Page moved not to oppose the NHDES Standard Dredge and Fill Application, according to the plan dated 7/30/14 and revised 8/14, for the property located at 1064 Ocean Blvd., with the request that the Commission be notified at the beginning and end of the project.

SECOND: Mr. Tilton.

AMENDED MOTION proposed by Mr. Tilton.

MOTION: Mr. Page moved not to oppose the NHDES Standard Dredge and Fill Application, according to the plan dated 7/30/14 for the property located at 1064 Ocean Blvd. as signed and dated by the Chairman with the following stipulations:

- **The Commission shall be notified at the beginning and end of the project;**
- **The grades shall be maintained;**
- **Downspouts shall be outside the 50" buffer.**

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SECOND: Mr. Page

VOTE: 6 in Favor, 1 Abstain (Diener)

MOTION: Mr. Page moved to recommend the Planning Board approve the Town Special Permit, for the property located at 1064 Ocean Blvd., based on the plan dated 7/30/14, and revised 8/14, as signed and dated by the Chairman with the following stipulations:

- **The current grades shall be maintained within the 50' buffer;**
- **Downspouts from roof gutters are to be outside of the 50' buffer and as far away from the ocean as possible;**
- **Use of Wetlands Conservation District markers along the wetland buffer at the owner's expense on either side of the lot and there shall be 2 markers located at the buffer edge on the north and south side of the property;**
- **Any Deck must be open above and below;**
- **Lawn care must follow the guidelines set forth in the NHDES Shoreland Protection Act (Env-WQ 1400). No storage of grass clippings or yard waste in the wetland or its buffer;**
- **Removal of trees that are not dead, diseased, or unsafe must be performed in compliance with NHDES Shoreline Protection Act, Section Env-Wq 1403.05;**
- **All proposed plantings shall have at least a 75% success after two growing seasons. Any plants that do not survive shall be replanted or replaced with another suitable plant species.**
- **Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. Silt fence and hay bales (salt hay bales for tidal areas);**
- **The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed;**
- **There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. in the buffer, other than that shown on the approved plan. A new Special Permit is required for the erection of any additional structure(s) in the buffer;**
- **The Conservation Commission shall be notified in writing upon commencement and completion of the project and before an occupancy permit is issued. Schedule a final inspection with the Conservation Coordinator upon completion of the project;**
- **An As-Built Plan including grades and elevations, shall be submitted following project completion; and**
- **This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance, Section 2.3.5 for information on permit extensions.**

SECOND: Mr. Tilton

VOTE: 6 in Favor, 1 Abstain (Diener)

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6 . 183 Island Path, Hilda Silva. Agent – Craig Sullivan and GZA Environmental. Tear down the existing structure and construct a new 2-story dwelling with a reduced building foot print. New plantings proposed within the existing lawn area. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.

Present were Craig Sullivan and Tracy Tarr, GZA Environmental.

Ms. Tarr provided an overview of the project noting that the entire lot is in the 50' buffer and the house will not be taken out of the buffer. The size of the footprint will be reduced to 24%, and there is an existing paved driveway. Further there will be a drip line on the west side and there will be two outlets that direct water away from the salt marsh with one going into a stone drip-edge. A rain garden has been added to the existing lawn area which will be planted with plants such as Turtlehead, Blue Flag Iris, Steeplebush, and Marsh Fern.

The Commission agreed that the Rain Garden is a nice feature for the project. Further, Ms. Tarr stated that northern Bayberry plantings will improve the native plantings in the buffer.

Mr. Page noted that the deck is the same size as the existing deck, and Mr. Tilton commented that it is a clean plan. Mr. Olson commented that it is a good project.

PUBLIC COMMENT: There was no public comment.

MOTION: Mr. Tilton moved not to oppose the NHDES Standard Dredge and Fill Application for the property located at 183 Island Path, based on the Proposed Conditions Plan dated 7/9/14, revised 8/5/14, with the request that the Commission be notified at the beginning and the end of the project.

SECOND: Mr. Page

VOTE: 6 In Favor, 1 Abstain (Diener)

MOTION: Mr. Page moved to recommend the Planning Board approve the Town Special Permit for the property located at 183 Island Path, based on the plan dated 7/9/14, revised 8/5/14, signed and dated by the Chair with the following stipulations:

- Wetlands monumentation at property boundaries and at 3 locations along the wetland edge as marked on the plan;
- Any deck must be open above and below to allow for vegetation to grow beneath;
- Lawn care must follow the guidelines set forth in the NHDES Shoreland Protection Act (Env-WQ 1400). No storage of grass clippings or yard waste in the wetland or its buffer;
- Removal of trees that are not dead, diseased, or unsafe must be performed in compliance with NHDES Shoreline Protection Act, Section Env-Wq 1403.05;
- All proposed plantings shall have at least 75% success after two (2) growing seasons. Any plants that do not survive shall be replanted or replaced with another suitable plant species;
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. Silt fence and hay bales (salt hay bales for tidal areas);
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed;

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- **There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. in the buffer, other than that shown on the approved plan. A new Special Permit is required for the erection of any additional structure(s) in the buffer;**
- **The Conservation Commission shall be notified in writing upon commencement and completion of the project;**
- **An As-Built Plan shall be submitted following project completion; and, schedule a final inspection with the Conservation Coordinator upon completion of the project;**
- **The Conservation Coordinator shall not sign the occupancy permit until all of the Special Permit conditions have been met;**
- **This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance, Section 2.3.5 for information on permit extensions.**

SECOND: Ms. Renaud

VOTE: 6 in Favor 1 Abstain (Diener)

- 7. 86 Woodland Rd. R.K. Dolla LLC. Agent – Jones and Beach Engineering 5-lot subdivision with a wetland road crossing. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

Mr. Diener recused himself from this portion of the meeting at 8:45 p.m.

Mr. Tilton took the Chair.

Present was: Joe Coronati

Mr. Coronati described the property involved in this 5-lot subdivision as a long, bowling alley type lot with a road on one side that is over 800 feet long. He also stated there are some wetlands on the property, with one wetland cutting across the property and another space in back beyond the development. The road creates 100 square feet of wetland impacts and there are buffer impacts on both sides of the wetlands.

He also stated that the wetland does carry storm water and there is a 24” culvert. The applicant has been requested to replace the culvert with a to a 4 foot box culvert. This will be a Town road and Mr. Coronati is not sure how the City will react to the box culvert that will eventually have to be replaced. He also stated there is no justification to make the culvert larger as it is oversized and further, it is not justified for the amount of traffic on the road. There are three houses beyond the proposed 5-lot subdivision.

Mr. Coronati stated that the wetland impact has been kept down to a minimum. Further, the septic system is in back of the house. He went into the basement of the existing house and viewed the sewer which exits out through the rear, but does not have a finite location. There is a leaching field which will be abandoned and the house will be tied into the sewer.

Mr. Coronati stated that during the site walk, it was pointed out that the existing home is staying, but a lot of infrastructure will be removed, such as the shed in the buffer, driveway, and an off-site shed. The features on the house will stay. The Gazebo is in the set back and will not be removed, but the applicant may go for a variance to keep the gazebo which is not in the buffer.

Ms. Shaw stated that during the site walk, she noticed that the land was rocky and spongy and a lot of fill will be required. Further if upgrading up to the new home foundation could create a run off. She questioned how that would be handled.

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Mr. Coronati stated that in the back there is a drain to the roadway. Lot 5 will drain into the pond or down along the road. The existing house is on Lot 2 and stormwater will come down across the driveway on Lot 2. All stormwater from the road and driveways ends up in the bio retention pond in the back. Further, the area for Lot 1 slopes toward the existing house and water will head toward the road. Lot 2, water will continue to flow as it does now to the back of the house. He stated that he is not sure where the houses will be placed on Lots 3 and 4 but there is a stipulation that stormwater should be brought to the front/side. He also stated that Lot 5 is a big building envelope with a lot of room to bring water back towards the pond.

Mr. Olson questioned why there is to be a 4 foot wide box culvert. Mr. Coronati said box culverts are not made any smaller. He also said that it is overkill for storm water, but if the Town agrees, it will stay. Mr. Coronati also stated that the leach field will be removed; however, it is in the back yard and not in the wetlands. There is lawn currently in the buffer, but plantings could be installed. Mr. Coronati noted that the Wetlands Bureau does not require mitigation in that area.

Mrs. Dionne stated that the switch from a pipe to a culvert would reduce the wetlands impact and not cause an isolation. She also stated she would be in favor of a larger box culvert because the wetlands, as proposed, go from 25 feet wide to 4 foot wide. A wider culvert would provide mitigation and reduce impact.

Ms. Renaud noted her concerns with Lot 3 and would propose a Conservation District marker on the edge of the lot and installing plantings to discourage houses from creeping into the buffer. The areas should be defined and delineated before the houses are built.

Mrs. Dionne noted there could be a 15-20 foot vegetative buffer that runs across all the properties on the northwest. Mr. Coronati stated that the lots will have markers and Lot 3 will have distinctive plantings and evergreens, etc.

Ms. Swank asked if the bio-retention pond will require maintenance. Mr. Coronati stated that it would require some maintenance and manuals will be provided to the Homeowners' Association which will share responsibility and maintenance.

Mrs. Dionne noted her concerns about the basin not handling water during a 100 year storm. Mr. Coronati stated that the basin has been deepened to a depth of a foot and a half, with an added berm, and should handle all storms.

Mr. Page suggested adding granite curbing so the water will stay on the property. Mr. Coronati said that could be added to the conditions. He further noted that the right of way will be turned over to the Town. He also said that the road goes to the existing property line so there is no gap, and also creates frontage for the neighbor.

Mr. Page said he likes the idea of a box culvert. Mr. Tilton stated it is not overkill for the culvert as it is easier to keep track of a box culvert vs a small pipe.

PUBLIC COMMENT:

Maureen Schulde, 82 Woodland Road, spoke about her concerns with developing water problems and asked if there would be a guarantee that she would not have water on her property. She also spoke about the strong water flow in the spring and the seasonal pond.

Mr. Coronati stated that the road is curbed, both sides, with granite which will stop water from going on to her property. Further, water will not spill off the road. He stated that after the plans were designed, the Town held a review by another engineer, as well as the DPW professional engineer and plans were scrutinized. He said that water comes onto the property from the wetland and will continue to do so, but other water is not directed onto her property.

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Ms. Schulde also questioned where the snow will be piled in the winter and effects of the snow melt in the spring. Mr. Coronati stated that snow would be at the cul de sac, which is a large paved circle. With regard to the bio-retention pond, Mr. Coronati stated the pond will not be a mosquito breeding pond and will drain out in a 72-hour period.

John Walker, 90 Woodland Road, asked about the 2000 gallon oil tank that is, or was, buried in the front yard of the existing house. He asked if there is any paperwork stating that the tank has been removed. He stated it was put in when the house was built and used for a number of years. He said someone should find out if it is still in the ground. He also stated that the house is hooked to Town sewer and there is a force main to sewerage.

Mr. Walker also commented that the pond behind the shack is a pond where ducks raise their ducklings. Mr. Coronati stated that he has not seen the pond in that type of a wet situation. He also said he would investigate the 2000 gallon gas tank.

Mr Walker also asked that the people who buy the lots do not remove the stone walls as they date back to the 1600's. He was also curious about the size of houses that would be constructed and if they would be similar to those around them.

Mr. Coronati stated that the house lot is 140 feet deep off the woodland which is a large amount of space to put a house. Also, it would not be close to Woodland Road and will not be close to the existing house. Further, the lot will not have a driveway onto Woodland Road. Mr. Coronati stated he is not exactly sure where the new houses will go on the lots. The size of the new houses will be similar to the house which is currently on the property.

MOTION: Ms. Renaud moved not to oppose the NHDES Dredge and Fill Application based on the Subdivision Layout Plan for the property located at 86 Woodland Road, revised 8/13/14, with the stipulations that the Conservation Commission be notified at the beginning and end of the project, that a Box Culvert be installed to allow for continuity of the wetlands, and retention of existing grades to prevent the direction of water to the abutters.

SECOND: Ms. Swank

Vote: 5 in Favor, 1 Opposed, 1 Reused (Diener)

MOTION: Ms. Renaud moved not recommend the Planning Board approve the Town Special Permit for the property located at 86 Woodland Road due to lack of mitigation and also referenced concern with the abandoned underground oil tank.

SECOND: Ms. Shaw

VOTE: 4 in Favor, 2 Opposed, 1 Recused (Diener)

Mr. Tilton stepped down as Chair

Mr. Diener returned to the Chair at 9:45 p.m.

OLD BUSINESS:

a. 2015 Warrant Articles Review of Warrant Article

Mr. Diener and Mrs. Dionne reviewed the Warrant Article dealing with the Wetlands Conservation District. Proposed revisions were provided to the Commission which include: Section 2.3.1 Purposes; 2.3.2 Definitions and Delineations; , 2.3.3 Permitted Uses; 2.3.4, Use Restrictions and Prohibited Uses; 2.3.5, WETLANDS Permits; 2.3.6, Disputed Boundaries; 2.3.7 Special Provisions; and, the Appendix. Mrs. Dionne will work on Section 2.3.7, Section C. to be reviewed at the September meeting. The proposed changes include: adding vernal pools in specific to the list of protected areas where appropriate; providing a definition of vernal pools; providing the guidelines to be used in determining the presence of poorly and very poorly drained soils; changing the name of Special Permits to Wetlands Permits; and changing the criteria by which the WCD can be used to satisfy minimum lot area requirements. We will also propose to combine Section C and C-a in 2.3.7 to eliminate some duplicated language without changing the meaning of the provisions.

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It was suggested that 2.3.1 – E. read as follows: Protect wildlife habitat including amphibian and invertebrate breeding habitat (i.e. vernal pools), maintain ecological balance and enhance ecological values;

b. Ice Pond Dam Mr. Diener stated that the cost of \$130,000 has been estimated to rebuild the Ice Pond Dam. The Conservation Commission would be able to contribute \$40,000 to this project. And voters would be asked to appropriate the additional \$90,000. The Commission said they do not have any problems with this proposed warrant article.

c. Open Space Committee – Report at the September Meeting.

d. Eco/Green tips – Postponed to the September Meeting.

e. Green Infrastructure Subcommittee.

Mrs. Dionne and Mr. Diener reported on an informational gathering from a Rain Garden Program in Minnesota. Mrs. Dionne stated local educational pieces need to be presented whether at the library or garden club; but, more people should be educated and become involved with the rain gardens which are open to businesses or residences. The Library is excited about a program which will be scheduled sometime before the first of the year. Ms. Swank reported that the library would be interesting in hosting an educational section in the library and would like to see program outlined by December.

NEW BUSINESS:

a. Aerial photos for documenting marsh encroachment.

Mrs. Dionne provided aerial photographs which were provided by a resident who feels a neighbor is encroaching into the marsh. Mrs. Dionne, on a site walk, noted the Phragmites are choking up the system. She also reported that the neighbors were responsive and the attorney, reasonable. Further, it was questioned if Google Earth Photographs can be used for documentation. Mr. Diener stated that more evidence than what is in the Google photos is needed before any action can be taken.

b. BOS agreement for Great Gate parcel.

Mr. Diener reported that this parcel of land has been turned over to the Town. It borders on Great Meadow. The Board asked if the Conservation Commission would be responsible for the property, which has public access. Mr. Diener noted that if the Commission accepts responsibility, they will have a say on how the property can be used in the future.

MOTION: Mr. Page moved that the Commission accept, from the Town of Hampton Board of Selectmen, and take responsibility for the Great Gate parcel of land recently turned over to town through the Board of Selectmen.

SECOND: Ms. Swank

VOTE: 7 In favor , 0 Opposed

CONSERVATION COORDINATOR AND CHAIR UPDATE:

Mr. Diener gave a report on the Bottoms Trust Forestry operation Court Case. The Town had been sued for requiring a Special Permit for conducting Forestry (timber harvesting) in the Wetlands Conservation. An existing RAS prohibits a Planning Board from regulating forestry and the judge determined that requiring a Special Permit application to be filed is the same as attempting to regulate forestry. So the Conservation Commission cannot require Special Permits be filed for forestry. Fortunately, forestry activities are rare in Hampton.

He also spoke of the Court appearance on Monday regarding the 48 Hobson Road deck issue and reported that the owner/applicant has applied for a new Building Permit and agreed to remove the deck and replace with a deck the size which was originally approved. This must be completed by October 2014.

Mrs. Dionne will forward information to the members regarding the NH Association of Conservation Commission's Meeting in November.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
AUGUST 26, 2014
MINUTES**

Mr. Diener reported that Diane Shaw, alternate member, has agreed to be appointed as a permanent member of the Conservation Commission in view of the recent resignation of Ms. Goethel. The Commission will write a letter to the Selectmen to request the change in her status. He also reported that Ralph Falk has expressed a willingness to return to the Conservation Commission and will request that reinstatement in writing to the Board of Selectmen.

ADJOURNMENT:

MOTION: It was moved by Mr. Page to adjourn the meeting at 10:25 pm

SECOND: Mr. Tilton

VOTE: 7 In Favor **The next Conservation Commission Public Hearing will be held on September 23, 2014.**

**Respectively submitted,
Anne Marchand, Recorder**